

## **Subchapter Four: Regulating Livestock Animals**

### **Division 1: General**

#### **8.04.010 Prohibition.**

No person, Firm or Corporation shall keep, maintain or operate any premises in the town of Colma for the purpose of maintaining, keeping or feeding hogs, pigs or seine, cattle, horses, goats, sheep, mules or any other livestock.

[History: ORD. 606, 9/10/03]

#### **8.04.020 Public Nuisance.**

The keeping, maintaining or feeding of hogs, pigs or swine, cattle, horses, goats, sheep, mules or any other livestock contrary to the provisions or requirements of this ordinance is declared a public nuisance.

[History: ORD. 606, 9/10/03]

### **Division 2: Miniature Horses**

#### **8.04.021 Purposes and Findings.**

(a) The purposes of this ordinance are to authorize the keeping and maintaining of miniature horses, notwithstanding other provisions of this subchapter.

(b) The City Council finds that regulation of miniature horses is necessary to protect the public health and safety of City residents and visitors, as evidenced by the following facts.

Over the past four months, staff has received a complaint describing the presence of miniature horses located on a property along Old Mission Road, potentially contributing to the proliferation of odors, dust and nuisance to neighboring properties. On investigation, staff has confirmed that two miniature horses are kept on a commercially-zoned site with three residential units.

Regulation of keeping and maintaining miniature horses within the Town is necessary to protect the public health and safety of residents and visitors. Because of the health and sanitation risks associated with keeping or maintaining horses, this ordinance shall take force and effect on the dates provided herein despite any claims of grandfathered rights under traditional zoning laws.

It is common knowledge that a 1,000 pound horse generates 8-10 tons of manure each year. Because miniature horses are horses bred to be smaller in stature, a 100 pound miniature horse would generate 800-1,000 pounds of manure each year. Manure contains pathogens and bacteria that can degrade water resources, while elevated nitrate-nitrogen levels can cause

reproductive problems in humans and animals and other diseases. Livestock are especially at risk for continuous parasite infestations when manure and pastures are improperly managed.

Managing horse manure in suburban areas is often a problem because land, to properly store and utilize the manure for crop production, is limited. In addition, when horse manure is mixed with sawdust or wood chips, and spread on farm fields, it often stunts crop growth. Since farmers don't want to stunt their crops, the horse owner has few good options for disposing of manure. Frequently, it is simply stacked outside until the pile gets so big that a neighbor complains and the manure must be hauled to a landfill. Sawdust or wood chips are the most common bedding used for miniature horses. When miniature horse manure and sawdust (or shavings) are put on soil, microorganisms in the soil start to break the mixture down. Unfortunately, these wood products have a lot of carbon that the microorganisms use for energy but not enough nitrogen to build protein. In other words, the microorganisms have an unbalanced diet and they need nitrogen. The microorganisms find that nitrogen in the soil and they collect it more efficiently than plants do. In fact, the microorganisms do it so well that the plants growing in the soil can't find enough nitrogen to grow properly; which in turn creates an "induced nitrogen deficiency" that stunts crops.

If the bedding is not properly cleaned and maintained, the chances for a spread of disease will increase and disposal of the bedding and manure must be considered in the application of local regulations.

Another health concern is that rodents are attracted to properties where miniature horse feed is left out or improperly stored. These rodents will leave feces in areas visited and will carry diseases. Manure that is not properly managed will also attract flies. Excellent fly-breeding conditions occur in mixtures of manure, spilled feed and decaying bedding. Flies are important vectors of several enteric infections affecting humans and domestic animals and have been confirmed as disseminators of cholera, salmonellosis, shigellosis, colienteritis and campylobacter. In addition, Thelaziosis, an eyeworm infection affecting cattle, sheep, horses and goats, is mainly transmitted by the face fly *Musca autumnalis*.

Several fly species have also been found carrying eggs of *Ascaris*, *Trichuris* and *Ancylostoma* and may therefore play a role in the transmission of helminthiasis.

#### **8.04.022 Authorization; Prohibitions**

- (a) As used in this subchapter, a "miniature horse" means a horse is less than 38 inches as measured at the withers and weighing no more than 200 pounds.
- (b) Notwithstanding sections 8.04.010 and 8.04.020, a person may keep or maintain a miniature horse, subject to the prohibitions in this ordinance and provided that a permit is obtained and maintained as provided in this subchapter.
- (c) No person shall keep or maintain a miniature horse on any property in the Town unless all of the following are satisfied: the property must be zoned for C/DR use; the registered owner of the miniature horse must reside on the property on which a miniature horse is kept; and the minimum lot size shall be 16,500 square feet.

(d) No person shall keep or maintain more than two (2) miniature horses on any property meeting the standards of this Subchapter.

(e) It shall be unlawful for any person to construct, keep or maintain a shelter to keep a miniature horse unless the shelter meets the requirements of an Accessory Building under sections 5.03.070 and 5.03.080 of this Code, is constructed in accordance with the Uniform Building Code, and the City Planner has issued a Permit to such person to keep and maintain miniature horses, as provided in this ordinance.

(f) It shall be unlawful to keep a miniature horse unless a permit in writing, authorizing the keeping of miniature horses in a commercial zone, was first applied for and obtained from the City Planner.

#### **8.04.023 Miniature Horse Permit for Keeping Miniature Horses**

(a) No person may keep or maintain a miniature horse anywhere in Town without first obtaining a permit in writing from the City Planner.

(b) Each application for a permit to keep and maintain miniature horses shall be made upon forms to be furnished for that purpose by the Planning Department, signed by the applicant and filed with the Planning Department. No such application shall be received for filing by the Planning Department unless accompanied by a filing fee set forth in the Master Fee Schedule. Each property upon which the applicant proposes to keep a miniature horse must be identified in the application and may be inspected by the City Planner before issuance of an initial or renewed permit under this subchapter.

(c) The City Planner shall deny the granting of a miniature horse permit unless the City Planner finds that all criteria set forth in this ordinance have been met and that such use is not detrimental to the health, safety and welfare of the applicants and adjoining residents and property owners.

(d) Nothing herein shall authorize the issuing of a permit to keep or maintain miniature horses for marketing or commercial purposes or in violation of any other ordinance of the Town of Colma.

(e) The granting of a miniature horse permit shall be conditioned on the permittee maintaining a miniature horse shelter in accordance with the requirements of this ordinance and registering all permitted miniature horses with the American Miniature Horse Association or the American Miniature Horse Registry.

(f) The City Planner may impose such conditions on the granting of a permit as are reasonably necessary to carry out the purposes of this ordinance.

(g) A Miniature Horse Permit shall not be approved for any applicant, nor shall a Miniature Horse Permit be approved at a location where the property owner, a tenant or lessee, has

actions pending as provided in either (1) or (2) listed below. Further, an approved Miniature Horse Permit shall be revoked for an applicant or location for either of (1) or (2) listed below.

- (1) Any combination of two or more outstanding citations of the Town of Colma Municipal Code, or adjudicated citations found in favor of the Town of Colma by a court of competent jurisdiction, issued within the twelve months preceding the date of the Miniature Horse Permit application and directly or indirectly related to, or similar to, any property, event, activity or use for which the Miniature Horse Permit application is proposed; or,
- (2) The individual listed as the applicant on the Miniature Horse Permit application has, or where the property owner, a tenant or lessee, of the property listed on the Miniature Horse Permit application as the intended site of the raising, housing or handling of miniature horses, has a Municipal Code violation(s) being processed by the Town of Colma or pending before a court of competent jurisdiction and directly or indirectly related to, or similar to, any property, event, activity or use for which the Miniature Horse Permit application is proposed.
- (3) A Miniature Horse Permit shall be renewed annually from the date of issuance. The Miniature Horse Permit shall expire if it is not renewed.

#### **8.04.024 Miniature Horse Shelters; Food**

- (a) Each person keeping or maintaining miniature horses in the Town of Colma shall maintain a shelter in a sanitary condition at all times, shall scrape and clean the shelter and remove food scraps not less than two times each week, and shall dispose of all food scraps and manure in a sanitary manner.
- (b) Shelters shall be constructed in such manner as to preclude the attraction of rodents.
- (c) All feed for such miniature horses shall be stored in containers which offer protection against rodents.
- (d) Miniature horse shelters shall be of a size sufficient to house the number of miniature horses contemplated. In no case shall there be less than one miniature horse per sixty square foot of shelter floor area space.
- (e) All miniature horses shall be fed within the confines of the shelter.

#### **8.04.025 Appeals.**

An aggrieved party may appeal to the City Council from a decision of the City Planner under this ordinance. The appeal shall be heard in accordance with the procedures set forth in section 1.02.120 of the Colma Municipal Code. The City Council may affirm, overrule, or modify the revocation, denial or suspension.

#### **8.04.026      Diseased Pets: Notice to San Mateo County Health Department.**

Whenever any pets shall appear to have any communicable disease, the San Mateo County Health Department shall be notified immediately of such condition with such information as may be necessary and such pets shall be immediately isolated from healthy miniature horses. No diseased miniature horse shall be sold or given away, nor shall they be otherwise disposed of except in the manner authorized by the Health Officer. A Health Officer may seize or impound a miniature horse based on a reasonable belief that prompt action is required to protect the health or safety of the animal or the health and safety of others, any such seizure or impoundment shall be consistent with the requirements stated in Penal Code sections 597.1, 597f, 599d, and 599e.

#### **8.04.027      Transition Provisions**

(a) Any use of real property existing on the effective date of this ordinance that does not conform to the provisions of this ordinance, but which was constructed, operated, and maintained in compliance with all previous regulations, shall be regarded as a nonconforming use which may be continued or terminated as stated in this section.

(b) Because of the health and sanitation risks associated with keeping or maintaining miniature horses, all non-conforming uses must meet the requirements stated in section 8.04.022, effective immediately.

(c) Because of the health and sanitation risks associated with keeping or maintaining miniature horses, all non-conforming uses must meet the requirements stated in section 8.04.023 and section 8.04.024 by July 14, 2007. unless an extension is granted by the City Planner.

(d) This section (§ 8.04.027) shall be repealed as of January 1, 2008.

### **Division 3:    Infractions; Exceptions**

#### **8.04.030      Infraction.**

Any person violating any provisions of this subchapter, or who shall keep, maintain or operate any premises in the Town of Colma for the purpose of maintaining, keeping or feeding hogs, pigs, or swine, cattle, horses, goats, sheep, mules, or any other livestock in violation of the terms of this subchapter shall be guilty of an infraction.

*[History: ORD. 606, 9/10/03]*

#### **8.04.040      Non-Profit Organizations.**

Notwithstanding the other provisions of this subchapter, the City Council is empowered to grant permits authorizing non-profit organizations to maintain, keep or feed swine, cattle, horses and livestock. Such a permit shall be granted in compliance with the following requirements:

- (a) Application for such permit shall be made in writing to the City Council on a form provided by the City Clerk;
- (b) The applicant shall be a non-profit organization;
- (c) The primary purpose and effect of the project shall be for the education of the individuals participating in the project. The Education shall be in such areas as animal care and husbandry;
- (d) The project shall be kept and maintained in compliance with proper health and sanitation standards and shall be subject to periodic inspection by the City Health Officer;
- (e) The project shall not be kept and maintained as to constitute a public nuisance as that term is defined in California Civil Code section 3479.

[History: ORD. 606, 9/10/03]

#### **8.04.050 Revocation.**

Upon request of the City Health Officer, or upon written application submitted by a resident or property owner of the Town of Colma, the Council shall notice a public hearing to determine whether the permit shall be revoked. The Council shall revoke the permit if it determines that the preponderance of the evidence at the hearing establishes that any of the requirements of the permit have not been complied with.

[History: ORD. 606, 9/10/03]